

June 6, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0327

C. Brian and Bonnie G. Lonon

Matoaca Magisterial District
16729 Sandy Ford Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

Property is known as 16729 Sandy Ford Road. Tax ID 775-626-6262. Access will be across Tax ID 775-626-part of 7668 (Sheet 40).

Existing Zoning:

A

Size:

1.5 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North -A; Residential and vacant

South -A; Vacant

East -A; Residential

West -A; Residential and vacant

Utilities:

There is an existing water line along Sandy Ford Road, approximately 500 feet from the site; connection not required by County Code, but recommend that owner obtain private easement alongside any ingress/egress easement for future private water service line; public sewer is not available.

General Plan:

(Southern and Western Area Plan)

Residential
(1 – 5 acre lots)

DISCUSSION

The applicants request a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The applicants have indicated the access to the subject property will be over a private easement from Point A to Point B as shown on the attached plat.

The applicants provide the following justification in support of this request:

We would like to construct a single family dwelling on the subject property for our son. We own all but one of the adjacent parcels. The proposed single family dwelling will be confirming to the home styles in the area. A single family dwelling cannot be built on the subject property without the Variance.

Staff notes that the subject property is located approximately 700 feet south of Sandy Ford Road. The County assessment records indicate that the subject property was created on September 29, 1982. The applicants purchased the property, which consists of 1.5 acre, on July 19, 1985.

Staff visited the property and observed an asphalt driveway at 16721 Sandy Ford Road. The applicants have indicated this asphalt driveway will be the ingress and egress to the subject property at 16729 Sandy Ford Road. This asphalt driveway is approximately eight (8) to ten (10) feet in width and is located on property which is owned by the applicants.

The Fire Department inspected the access to the subject property and observed a very straight eight (8) to ten (10) foot wide asphalt driveway capable of supporting fire/rescue equipment. The Fire Department has requested a fifteen (15) foot wide roadway (Condition 2). Because the roadway is straight and has been asphalted, they suggest that gravel shoulders be placed on either side of the driveway to comply with the fifteen (15) foot wide roadway condition.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case the applicant must comply with the plat validation process.

The Chesterfield County Fire Department has requested that an applicant with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. Also, the road needs to have at least a fourteen (14) foot clearance to overhanging objects. Condition 2 will address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

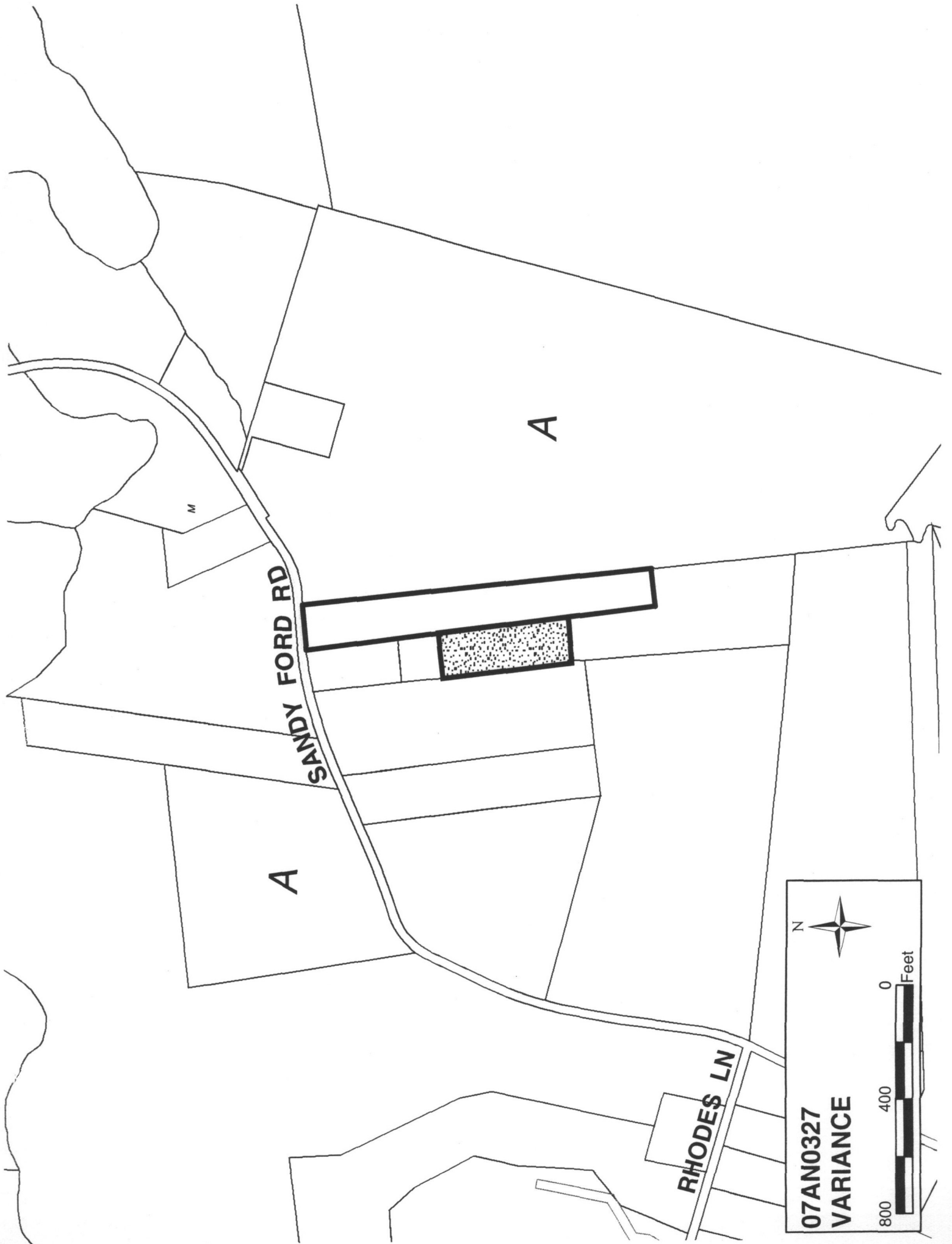
However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Prior to approval of a building permit, the applicant shall provide a copy of a recorded instrument which will include the following:
 - (a) A condition that shall require that no structure or fence shall be constructed to block the access.
 - (b) A condition that shall require the land owner of the subject property to be responsible for maintenance of the access.
 - (c) A thirty (30) foot private access easement from Point A to Point B,

as shown on the plat attached to the staff report. (P)

2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
 - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)



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VARIANCE**

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800 400 0 Feet

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SANDY FORD RD

POINT A

POINT B

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